

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Denzel Earley,

Plaintiff,

Case No. 19-cv-11976

v.

Judith E. Levy

United States District Judge

Guy Abramo,

Mag. Judge Elizabeth A. Stafford

Defendant.

_____/

**OPINION AND ORDER GRANTING APPLICATION TO
PROCEED WITHOUT PREPAYING FEES [2] AND DISMISSING
CASE WITHOUT PREJUDICE**

Plaintiff Denzel Earley filed a complaint alleging that he was “denied [] the right to employment after [a] background check.” (ECF No. 1, PageID.5.) He argues that this denial was in violation of “trust law” and “international law,” including the “1796 Treaty of Tripoli.” (*Id.*, PageID. 4–5.)

Earley requests permission to proceed without prepaying fees or costs (*in forma pauperis*). (ECF No. 2.) The *in forma pauperis* statute, 28 U.S.C. § 1915(a)(1) states: “any court of the United States may authorize the commencement . . . of any suit, action or proceeding . . . without

prepayment of fees . . . by a person who submits an affidavit that includes a statement . . . that the person is unable to pay such fees.” The Court is satisfied that Mr. Earley is unable to pay fees and therefore grants his application to proceed *in forma pauperis*.

But the *in forma pauperis* statute continues. It requires dismissal of a case brought *in forma pauperis* “at any time if the court determines that . . . the action or appeal . . . fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2). The complaint fails to state a claim. Earley cites to the “1796 Treaty of Tripoli”¹ as the basis of jurisdiction and merely states, without providing any factual allegations, that he was denied employment in violation of international law. He continues that his denial of employment “is a carry on of the Catholic bulla *Dum Diversas*.” These broad allegations, without more, do not constitute a legal claim.

¹ The Court assumes Earley is referring to the Treaty of Tripoli of 1797, which states that “the Government of the United States of America is not, in any sense, founded on the Christian religion.” *Bormuth v. Cty. Of Jackson*, 849 F.3d 266, 291 (6th Cir. 2017), *modified on reh’g*, 870 F.3d 494 (6th Cir. 2017).

Accordingly, the Court **GRANTS** Earley's motion to proceed *in forma pauperis* (ECF No. 2) and **DISMISSES** the complaint without prejudice.

IT IS SO ORDERED.

Dated: July 10, 2019

Ann Arbor, Michigan

s/Judith E. Levy

JUDITH E. LEVY

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 10, 2019.

s/Shawna Burns

SHAWNA BURNS

Case Manager